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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,605	10/23/2003	Sundaresan Ramamoorthy	200207938-1	6770

22879 7590 03/24/2011

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EXAMINER
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HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2436

NOTIFICATION DATE	DELIVERY MODE
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03/24/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/690,605	<b>Applicant(s)</b> RAMAMOORTHY ET AL.	
	<b>Examiner</b> DANIEL L. HOANG	<b>Art Unit</b> 2436	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/30/10 have been fully considered but they are not persuasive. Applicant argues that the Whipple reference does not teach the disclosed "a type of network device associated with a received device agnostic policy implementation is identified by parsing tags". Applicant argues that Whipple does not teach this because Whipple teaches translating from a native format into another native format.

Examiner respectfully disagrees. It is examiner's understanding of applicant's invention that applicant is claiming a system wherein code is written that is non-vendor specific. A translator is then built that translate this code into a vendor specific code. Multiple translators are built for each type of vendor specific code (applicant's specification, paragraph 20). Examiner contends that Whipple teaches the same embodiments. Whipple takes code of a specific native format and translates it into an internal format. As explained in the previous action, the internal format is not vendor specific and thus is viewed as device agnostic. Any kind of code from any native format can be translated by the system taught by Whipple into an internal format. The internal format code is then processed by individual adapters into specific native formats which examiner views as the claimed vendor specific code. The fact that the internal format code is generated from a native format is a moot point. Applicant's claim does not specify the format from which the device agnostic code is generated from. As such, Whipple clearly teaches translating code from a non vendor specific format into a vendor specific format.

Applicant also argues that there is no motivation to combine the Whipple reference with any other asserted art because Whipple teaches away from the independent claim 1. Whipple does not teach away from claim 1 as explained below in the response to arguments. Whipple teaches translating device agnostic policy into device specific policy, as claimed by applicant.

Applicant also argues that Whipple has an adapter for translating from one native format into another native format and argues that because of this, Whipple does not teach translating from a device

agnostic policy into a device specific policy. Applicant is arguing that Whipple translates from a device specific policy into another device specific policy. This is incorrect, as explained below. Whipple has an adapter which translates a native format into an internal format. The internal format can then be translated into any of a plurality of native formats using the right adapter. As explained below, the internal format is viewed as device agnostic because it can be translated into any native format. The native format is viewed as device specific. The fact that the internal format is derived from any of a plurality of native formats prior to its availability to be translated into another native format is a moot point. The format is at some point device-agnostic and can be translated into a device-specific format.

Applicant's remaining arguments about combining the Whipple reference with the Corbin reference stem from the argument that Whipple does not teach translating non vendor specific code into vendor specific code. Said arguments are considered moot in view of the above response to arguments.

Applicant is encouraged to contact examiner prior to filing of the next response in order to discuss possible amendments to the claim language in order to get the claims in condition for allowance.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, and 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whipple et al., US PGP No. 20020038340, and further in view of Corbin, US Patent No. 6594823.

**As per claims 1, 10, and 18, Whipple teaches:**

A system for implementing a policy in a network, said system comprising:

a plurality of device-agnostic policy implementations, in which the device-agnostic policy implementations include non-security policy implementations;

*[see paragraph 5, request from client]*

*[see paragraphs 17 and 20 for examples of the requests that may be made]*

*[see paragraph 16, wherein communication from clients are translated into an appropriate internal format for the HUB API. Examiner views the internal formats from that are appropriate for the HUB API as device-agnostic policy implementations. Said formats are device agnostic because they are not specific to the clients but rather formatted from the clients' specific formats into formats that are suitable for the HUB.]*

a plurality of network devices, at least two of said devices being dissimilar, wherein a type of network device associated with a received device-agnostic policy implementation is identified by parsing tags of data from said received device-agnostic policy implementation represented using Extensible Markup Language (XML); and

*[see paragraphs 5 and 6 wherein a client communicates a network API request in a native format. The request is translated into a internal format to an application server. A return value is later sent to the client after it is translated from the internal format back into a native format. It is also cited that remote client may interact with the hub system using XML.*

*[see paragraph 15 wherein hub and client system may include firewalls, which applicant's specification cites as an example of a network device]*

a plurality of device translators, each device translator corresponding to a respective one of said plurality of network devices and one of said plurality of device-agnostic policy implementations, at least two of said device translators being dissimilar, each of said plurality of device translators being loaded after said type of network device is identified to translate said received device-agnostic policy implementation into corresponding device-specific implementations,

*[see paragraphs 23 and 24, wherein a network API request (NAPI request) is made from the client to the HUB. The client request is first interpreted to ascertain the format of the request (XML, EDI, JAVA, etc.). Once this is done, an adapter is chosen to handle the request. The adapter is capable of translating the NAPI request into an internal format readable by the HUB. Once translated into an internal format, a return value can be sent to the client. Before this can be done, an adapter is used to translate from an internal format into the native format of the original NAPI request.*

*Examiner views the adapters as the claimed device translators. It is clear that the translators correspond to the plurality of network devices because they are suitable for translating from the native formats of the devices into an internal format and vice versa. It is also clear that the device translators are dissimilar because each translator is capable of translating different formats. It is further clear that the translators are loaded after the type of network device is identified because prior to the device being identified, it would be unknown what type of format the request is.*

wherein subsequent additions or maintenance of any of said plurality of network devices and any of said plurality of device-agnostic policy implementations are provided using device-agnostic files.

*[examiner views this limitation as citing that any changes or additions to the way a device translator interacts with a network device and its corresponding device-agnostic policy implementation are provided using device-agnostic files. As cited above, device-agnostic is viewed to be analogous to an internal format. Since the adapters of the Whipple reference are maintained by the HUB, it is clear that any changes or additions to the adapters are provided using an internal format. This is in line with applicant's specification because non-vendor specific files can be made for various devices without tailoring the code to a specific vendor.]*

The Whipple reference has been discussed above. While Whipple teaches the identification of device agnostic policy implementations, Whipple is mute in teaching that the identification of the type of network device being associated with a received device-agnostic policy implementation is done by parsing tags of data. For this limitation, examiner relies on the Corbin reference.

Corbin teaches a method which includes parsing the tag of each element to determine the name and type of the variable represented by the element (see col. 4, lines 38-67, and col. 5, lines 1-49). Examiner views this as analogous to applicant's claimed identifying by parsing tags of data. it would have been obvious to one of ordinary skill in the art to modify the Whipple invention to include the parsing taught by Corbin because the Whipple invention includes usage of a plurality of different programming languages and it would be advantageous to represent the high level programming language data structures in a markup language. Parsing of the tags in XML as described by Corbin would afford a uniform language that all applicable languages can be translated into.

**As per claims 2 and 13, Whipple teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation is selected from the group consisting of firewall, Virtual Private Network, Java 2 Enterprise Edition Application, and custom operating system.

*[see paragraph 6]*

**As per claims 3 and 14, Whipple teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation implements a policy selected from the group consisting of access control, quality of service, backup, and availability.

*[see paragraphs 17, 20, and 28]*

**As per claims 4 and 12, Whipple teaches:**

The system according to claim 1, wherein said device translators are represented by Extensible Stylesheet Language (XSL) code.

*[see paragraphs 18 and 23]*

**As per claims 11, Whipple teaches:**

The system according to claim 1, wherein said device-agnostic policy implementation is Extensible Markup Language (XML) code.

*[see paragraphs 18 and 23]*

**As per claims 6, Whipple teaches:**

The system according to claim 3, wherein said policy is represented by Extensible Markup Language (XML) code.

*[see paragraphs 18 and 23]*

**As per claims 7 and 15, Whipple teaches:**

The system according to claim 1, wherein the device-specific implementation is represented by Command Line Interface (CLI) code.

*[see paragraph 23, "native format"]*

**As per claims 8 and 16, Whipple teaches:**

The system according to claim 1, wherein the device-specific implementation is represented by Application Programming Interface (API) code.

*[see paragraph 16]*

**As per claims 9 and 17, Whipple teaches:**

The system according to claim 1, wherein the device-specific implementation is represented by Java code.

*[see paragraph 18]*

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



## POINTS OF CONTACT

- \*. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulaney Street  
Alexandria, VA 22314

- \*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/

Examiner, Art Unit 2436

/Eleni A Shiferaw/

Primary Examiner, Art Unit 2436